

79-4-101. Title.

This chapter is known as "Parks and Recreation."

Enacted by Chapter 344, 2009 General Session

79-4-102. Definitions.

- (1) "Board" means the Board of Parks and Recreation.
- (2) "Division" means the Division of Parks and Recreation.

Enacted by Chapter 344, 2009 General Session

79-4-201. Division of Parks and Recreation -- Creation -- Powers and authority.

- (1) There is created within the department the Division of Parks and Recreation.
- (2) The division is under:
 - (a) the administration and general supervision of the executive director; and
 - (b) the policy direction of the board.
- (3) The division is the parks and recreation authority for the state.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-202. Director -- Qualifications -- Duties.

- (1) The director is the executive and administrative head of the division.
- (2) The director shall demonstrate:
 - (a) executive ability; and
 - (b) actual experience and training in the conduct of park and recreational systems involving both physical development and program.
- (3) The director shall:
 - (a) enforce the policies and rules of the board; and
 - (b) perform the duties necessary to:
 - (i) properly care for and maintain any property under the jurisdiction of the division; and
 - (ii) carry out this chapter.
- (4) The director shall acquire, plan, protect, develop, operate, use, and maintain park area and facilities in accordance with the policies and rules of the board.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-203. Powers and duties of division.

- (1) As used in this section, "real property" includes land under water, upland, and all other property commonly or legally defined as real property.
- (2) The Division of Wildlife Resources shall retain the power and jurisdiction conferred upon it by law within state parks and on property controlled by the Division of Parks and Recreation with reference to fish and game.
- (3) The division shall permit multiple use of state parks and property controlled by it for purposes such as grazing, fishing, hunting, mining, and the development and

utilization of water and other natural resources.

(4) (a) The division may acquire real and personal property in the name of the state by all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or otherwise, subject to the approval of the executive director and the governor.

(b) In acquiring any real or personal property, the credit of the state may not be pledged without the consent of the Legislature.

(5) (a) Before acquiring any real property, the division shall notify the county legislative body of the county where the property is situated of its intention to acquire the property.

(b) If the county legislative body requests a hearing within 10 days of receipt of the notice, the division shall hold a public hearing in the county concerning the matter.

(6) Acceptance of gifts or devises of land or other property is at the discretion of the division, subject to the approval of the executive director and the governor.

(7) The division shall acquire property by eminent domain in the manner authorized by Title 78B, Chapter 6, Part 5, Eminent Domain.

(8) (a) The division may make charges for special services and use of facilities, the income from which is available for park and recreation purposes.

(b) The division may conduct and operate those services necessary for the comfort and convenience of the public.

(9) (a) The division may lease or rent concessions of all lawful kinds and nature in state parks and property to persons, partnerships, and corporations for a valuable consideration upon the recommendation of the board.

(b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in selecting concessionaires.

(10) The division shall proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation and reclamation projects.

(11) The division shall receive and distribute voluntary contributions collected under Section 41-1a-422 in accordance with Section 79-4-404.

Amended by Chapter 347, 2012 General Session

79-4-204. Division authorized to enter into contracts and agreements.

(1) The division, with the approval of the executive director and the governor, may enter into contracts and agreements with the United States, a United States agency, any other department or agency of the state, semipublic organizations, and with private individuals to:

(a) improve and maintain state parks and recreational grounds and the areas administered by the division; and

(b) secure labor, quarters, materials, services, or facilities according to procedures established by the Division of Finance.

(2) All departments, agencies, officers, and employees of the state shall give to the division the consultation and assistance that the division may reasonably request.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-205. Highways within state parks.

The division has jurisdiction over and responsibility for service roads, parking areas, campground loops, and related facilities within state parks.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-206. Support of a nonprofit corporation or foundation.

The division may provide administrative support to a nonprofit corporation or foundation that assists the board and the division in attaining the objectives outlined in the strategic or operational plan.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-301. Board of Parks and Recreation -- Creation -- Functions.

- (1) There is created within the department a Board of Parks and Recreation.
- (2) The board is the policy-making body of the division.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-302. Board appointment and terms of members -- Expenses.

(1) (a) The board is composed of nine members appointed by the governor, with the consent of the Senate, to four-year terms.

(b) In addition to the requirements of Section 79-2-203, the governor shall:

(i) appoint one member from each judicial district and one member from the public at large;

(ii) ensure that not more than five members are from the same political party; and

(iii) appoint persons who have an understanding of and demonstrated interest in parks and recreation.

(c) Notwithstanding the term requirements of Subsection (1)(a), the governor may adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(2) When vacancies occur because of death, resignation, or other cause, the governor, with the consent of the Senate, shall:

(a) appoint a person to complete the unexpired term of the person whose office was vacated; and

(b) if the person was appointed from a judicial district, appoint the replacement from the judicial district from which the person whose office has become vacant was appointed.

(3) The board shall appoint its chair from its membership.

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 286, 2010 General Session

79-4-303. Board meetings -- Quorum.

(1) The board shall meet at least once every quarter, but special meetings may be held by call of the chairman or at the request of two members of the board.

(2) Four members of the board shall constitute a quorum for the transaction of business.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-304. Board rulemaking authority.

(1) (a) The board may make rules:

- (i) governing the use of the state park system;
- (ii) to protect state parks and their natural and cultural resources from misuse or damage, including watersheds, plants, wildlife, and park amenities; and
- (iii) to provide for public safety and preserve the peace within state parks.

(b) To accomplish the purposes stated in Subsection (1)(a), the board may enact rules that:

- (i) close or partially close state parks; or
 - (ii) establish use or access restrictions within state parks.
- (c) Rules made under Subsection (1) may not have the effect of preventing the transfer of livestock along a livestock highway established in accordance with Section 72-3-112.

(2) The board shall adopt appropriate rules governing the collection of charges under Subsection 79-4-203(8).

Enacted by Chapter 344, 2009 General Session

79-4-305. Long-range plans.

The board shall formulate and cause to be put into execution by the department through the director of the division a long-range, comprehensive plan and program for the acquisition, planning, protection, operation, maintenance, development, and wise use of areas of scenic beauty, recreational utility, or historic, archaeological, or scientific interest, to the end that the health, happiness, recreational opportunities, and wholesome enjoyment of life of the people may be further encouraged within the general policies of the department.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-401. Funds to be appropriated -- Boating account expenses.

(1) The Legislature shall appropriate such funds as from time to time necessary to carry out the purposes of this chapter to the division to be used by the division in the administration of the powers and duties and in carrying out the objective and purposes prescribed by this chapter.

(2) It is the intent of the Legislature that all departmental operating and

administrative expenses for the administration of the boating account of the division shall be charged against that account.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-402. State Park Fees Restricted Account.

(1) There is created within the General Fund a restricted account known as the State Park Fees Restricted Account.

(2) (a) Except as provided in Subsection (2)(b), the account shall consist of revenue from:

- (i) all charges allowed under Section 79-4-203;
- (ii) proceeds from the sale or disposal of buffalo under Subsection 79-4-1001(2)(b); and
- (iii) civil damages collected under Section 76-6-206.2.

(b) The account shall not include revenue the division receives under Section 79-4-403 and Subsection 79-4-1001(2)(a).

(3) The division shall use funds in this account for the purposes described in Section 79-4-203.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-403. User fees for golf -- Wasatch Mountain, Palisade, and Green River State Parks.

(1) The following user fees are assessed in the following parks for playing nine holes of golf:

- (a) 15% of the green fees at Wasatch Mountain State Park;
- (b) 15% of the green fees at Palisade State Park; and
- (c) 15% of the green fees at Green River State Park.

(2) The fee in Subsection (1) is:

- (a) in addition to the fee set by the board; and
- (b) to be used at the park where the money is collected for:
 - (i) the upgrade or development of facilities; or
 - (ii) the purchase of golf course operation and maintenance equipment and operating supplies or materials.

Amended by Chapter 256, 2010 General Session

Amended by Chapter 391, 2010 General Session

79-4-404. Zion National Park Support Programs Restricted Account -- Creation -- Funding -- Distribution of funds.

(1) There is created within the General Fund the Zion National Park Support Programs Restricted Account.

(2) The account shall be funded by:

- (a) contributions deposited into the account in accordance with Section 41-1a-422;
- (b) private contributions; or

- (c) donations or grants from public or private entities.
- (3) The Legislature shall appropriate funds in the account to the division.
- (4) The board may expend up to 10% of the money appropriated under Subsection (3) to administer account distributions in accordance with Subsections (5) and (6).
- (5) The division shall distribute contributions to one or more organizations that:
 - (a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
 - (b) operate under a written agreement with the National Park Service to provide interpretive, educational, and research activities for the benefit of Zion National Park;
 - (c) produce and distribute educational and promotional materials on Zion National Park;
 - (d) conduct educational courses on the history and ecosystem of the greater Zion Canyon area; and
 - (e) provide other programs that enhance visitor appreciation and enjoyment of Zion National Park.
- (6) (a) An organization described in Subsection (5) may apply to the division to receive a distribution in accordance with Subsection (5).
- (b) An organization that receives a distribution from the division in accordance with Subsection (5) shall expend the distribution only to:
 - (i) produce and distribute educational and promotional materials on Zion National Park;
 - (ii) conduct educational courses on the history and ecosystem of the greater Zion Canyon area; and
 - (iii) provide other programs that enhance visitor appreciation and enjoyment of Zion National Park.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules providing procedures and requirements for an organization to apply to the division to receive a distribution under Subsection (5).

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-501. Peace officer authority of park rangers.

- (1) The division has the duty to:
 - (a) protect state parks and park property from misuse or damage; and
 - (b) preserve the peace within state parks.
- (2) Employees of the division who are POST certified peace officers and who are designated as park rangers by the division director, are law enforcement officers under Section 53-13-103 and have all the powers of law enforcement officers in the state, with the exception of the power to serve civil process.
- (3) The division has the authority to deputize persons who are peace officers or special function officers to assist park rangers on a seasonal temporary basis.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-502. Violations of rules.

Unless otherwise provided in this title, a violation of any rule of the Board of Parks and Recreation is an infraction.

Renumbered and Amended by Chapter 344, 2009 General Session
Repealed and Re-enacted by Chapter 347, 2009 General Session

79-4-601. "This is the Place Monument," Camp Floyd, old statehouse -- Supervision and control.

(1) The division shall administer and supervise the following historical monuments:

- (a) "This is the Place Monument" site;
- (b) Camp Floyd; and
- (c) the old statehouse at Fillmore.

(2) The division may make expenditures for maintenance and administration from funds:

- (a) made available by appropriation; or
- (b) that are available to the division.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-602. Mountain Meadow Massacre site included within state park system.

(1) The Mountain Meadow Massacre site and monument is included within the state park system.

(2) The division may:

- (a) enter into an agreement with the United States Forest Service for the use of land at the site as a state park; and
- (b) receive donations of land or facilities at the site for inclusion within the state park.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-603. Iron Mission Historical Monument -- Acceptance of gifts from Iron Mission Park Corporation.

The board shall accept on behalf of the state the Gronway Parry collection of horse-drawn vehicles, horses, harnesses, figures, costumes, and horse-drawn machinery of the pioneer era, the Melling log cabin, the Osborne blacksmith collection, and a metal exhibit building, all being gifts to the state from the Iron Mission Park Nonprofit Corporation.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-604. Iron Mission Historical Monument -- Acquisition of property.

The division may:

- (1) acquire, construct, maintain, and operate any land areas, objects, or structures as necessary to preserve, protect, display, and enhance:

- (a) the gifts described in Section 79-4-603; and
- (b) other historical objects or collections donated, loaned, or otherwise acquired that appropriately contribute to the pioneer heritage of Utah; and
- (2) acquire, directly or through others, by purchase, contract, lease, permit, donations, or otherwise, all real or personal property, rights-of-way, approach roads, parking and other areas, structures, facilities and services that the division and board may consider necessary or desirable to accomplish Subsection (1).

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-701. Definitions.

As used in this part:

- (1) "Board of trustees" means the board of trustees of This is the Place Foundation.
- (2) "Foundation" means This is the Place Foundation, a private nonprofit corporation formed pursuant to Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- (3) "Member" means a member of the board of trustees.
- (4) "Monument" means This is the Place Monument at This is the Place State Park.
- (5) "Park" means This is the Place State Park, property owned by the state located at 2601 East Sunnyside Avenue, Salt Lake City.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-702. Agreement to manage -- Management fee.

- (1) In recognition of the need for private funds to continue the expansion and improvement of Old Deseret Village, a living history museum at the park, and the preference of donors to contribute to nonprofit organizations rather than government entities, the division may make an agreement with the foundation to manage, develop, and promote the park.
- (2) The division may pay a management fee to the foundation.
- (3) The division may not require the foundation to remit to the division any portion of the income generated from park operations.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-703. Terms of agreement.

Any agreement made pursuant to Section 79-4-702 shall include the following terms:

- (1) The foundation shall transfer to the state:
 - (a) title to any real property acquired by the foundation, upon completion of payment, if any, for the property by the foundation; and
 - (b) ownership of any artifacts or collections acquired by the foundation.
- (2) No fee may be charged to visit the monument.
- (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a member may not

receive compensation or financial benefit, directly or indirectly, as a result of the member's service on the board of trustees.

(b) A member may receive per diem and expenses incurred in the performance of the member's duties at the rates established by the board of trustees.

(c) A member may deal or contract with the foundation, provided that:

(i) no person or entity is paid any fee, salary, rent, or other payment of any kind in excess of the fair market value for the service rendered, goods furnished, or facilities or equipment rented; and

(ii) at a meeting of the board of trustees or subcommittee of the board of trustees having authority to authorize or confirm the contract or transaction:

(A) a quorum of the board of trustees or subcommittee is present;

(B) the interest of the member is disclosed;

(C) a majority of the quorum votes to approve the contract or transaction; and

(D) in determining a majority under Subsection (3)(c)(ii)(C), the vote of any member having an interest in the contract or transaction is not counted.

(4) The foundation shall obtain an annual audit prepared:

(a) by an independent public accounting firm; and

(b) in accordance with generally accepted accounting standards.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-704. Use of waters from Wagner Spring.

The division may use the waters from the Wagner Spring located on the park for any purposes connected with the upkeep and maintenance of the park, including the monument.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-705. Agreement with public utility companies as to easements or rights-of-way across park.

The division may enter into agreements with public utility companies for the granting and maintenance of easements or rights-of-way across the park.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-801. Provo-Jordan River Parkway Authority transferred to Division of Parks and Recreation.

All properties, rights, interests, powers, functions, duties, and obligations of the Provo-Jordan River Parkway Authority are transferred to the division.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-802. Riverway enhancement grants -- Matching funds requirements -- Rules.

(1) (a) The division may give grants to local governments and state agencies for riverway enhancement projects with funds appropriated by the Legislature for that

purpose.

(b) Each grant recipient must provide matching funds having a value that is equal to or greater than the grant funds received.

(c) The board may allow a grant recipient to provide property, material, or labor in lieu of money, provided the grant recipient's contribution has a value that is equal to or greater than the grant funds received.

(2) The board shall:

(a) make rules setting forth procedures and criteria for the awarding of grants for riverway enhancement projects; and

(b) determine to whom grant funds shall be awarded after considering the recommendations of and after consulting with the division.

(3) Rules for the awarding of grants for riverway enhancement projects shall provide that:

(a) each riverway enhancement project for which grant funds are awarded must be along a river or stream that is impacted by high density populations or prone to flooding; and

(b) riverway enhancement proposals that include a plan to provide employment opportunities for youth, including at-risk youth as defined in Section 79-5-501, in the development of the riverway enhancement project is encouraged.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-901. Pioneer heritage of Utah -- Acquisitions and operations by division.

(1) The division may acquire, construct, maintain, and operate any land areas, objects, or structures as necessary to preserve, protect, display, and enhance any gifts and other historical objects or collections donated, loaned, or otherwise acquired that appropriately contribute to the pioneer heritage of Utah.

(2) To accomplish Subsection (1), the division may directly or through others, by purchase, contract, lease, permit, donation, or otherwise, secure all real or personal property, rights-of-way, approach roads, parking and other areas, structures, facilities, and services that the division and board may consider necessary or desirable to contribute to the pioneer heritage of Utah.

Renumbered and Amended by Chapter 344, 2009 General Session

79-4-1001. Purchase, trade, sale, or disposal of buffalo -- Proceeds.

(1) In accordance with a plan, approved by the board, to manage buffalo herds on Antelope Island, the division may purchase, trade, sell, or dispose of buffalo obtained from Antelope Island through:

(a) competitive bidding; or

(b) a means as established by rule.

(2) Proceeds received from the sale or disposal of buffalo under this section shall be deposited as follows:

(a) the first \$75,000 shall accrue to the division for the management of Antelope Island buffalo herds as dedicated credits; and

(b) proceeds in excess of \$75,000 shall be deposited in the State Park Fees Restricted Account created under Section 79-4-402.

Amended by Chapter 391, 2010 General Session

79-4-1101. Title.

This part is known as "Contingency Planning for Management of Federal Land."

Enacted by Chapter 313, 2014 General Session

79-4-1102. Contingency plan for federal property.

(1) As used in this part, "fiscal emergency" means a major disruption in the operation of one or more national parks, national monuments, national forests, or national recreation areas in the state caused by the unforeseen or sudden significant decrease or elimination of funding from the federal government.

(2) During a fiscal emergency, and subject to congressional approval, the governor's agreement with the United States Department of the Interior, or a presidential executive order, the governor is authorized to enter into an agreement with the federal government to ensure that one or more national parks, national monuments, national forests, or national recreation areas in the state, according to the priority set under Section 79-4-1103, remain open to the public.

Enacted by Chapter 313, 2014 General Session

79-4-1103. Governor's duties -- Priority of federal property.

(1) During a fiscal emergency, the governor shall:

(a) if financially practicable, work with the federal government to open and maintain the operation of one or more national parks, national monuments, national forests, and national recreation areas in the state, in the order established under this section; and

(b) report to the speaker of the House and the president of the Senate on the need, if any, for additional appropriations to assist the division in opening and operating one or more national parks, national monuments, national forests, and national recreation areas in the state.

(2) The director of the Outdoor Recreation Office, created in Section 63M-1-3304, in consultation with the executive director of the Governor's Office of Economic Development, shall determine, by rule, the priority of national parks, national monuments, national forests, and national recreation areas in the state.

(3) In determining the priority described in Subsection (2), the director of the Outdoor Recreation Office shall consider the:

(a) economic impact of the national park, national monument, national forest, or national recreation area in the state; and

(b) recreational value offered by the national park, national monument, national forest, or national recreation area.

(4) The director of the Outdoor Recreation Office shall:

(a) report the priority determined under Subsection (2) to the Natural Resources,

Agriculture, and Environment Interim Committee by November 30, 2014; and
 (b) annually review the priority set under Subsection (2) to determine whether the priority list should be amended.

Enacted by Chapter 313, 2014 General Session